

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1-11 and 29-32 have been canceled without prejudice or disclaimer, and claims 33 and 34 have been added. No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested. Therefore, claims 12-28, 33, and 34 are pending and under reconsideration is respectfully requested.

CHANGES TO THE SPECIFICATION:

In the Office Action, it was suggested that the specification be amended in paragraph [0021]. Accordingly, the suggested amendment, changing "cap plate 2" to "cap plate 21", has been made.

DOUBLE PATENTING:

In the Office Action, claim 27 and 28 were rejected under the judicially created doctrine of double patenting over claim 18 and 28 of copending application No. 10/737,837. However, it is noted that since the conflicting claims have not yet been patented and since claims 27 and 28 depend from currently pending claims, applicants will address the double patenting issues upon the resolution of the applications at issue.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, the Examiner rejected claims 12-14 and 17-28 under 35 U.S.C. §103 in view of Morishita (U.S. Patent No. 5,976,729) in view of Watanabe (U.S. Patent No. 6,492,058) and as evidenced by Pedicini (U.S. Patent No. 5,188, 909). Claims 15 and 16 were rejected under 35 U.S.C. §103 in view of Morishita and Watanabe as applied to claim 12 and further in view of Pedicini. These rejections are respectfully traversed and reconsideration is requested.

Regarding the rejection of claim 12, briefly, claim 12 recites a lithium battery comprising a generation element which generates electrical power, a can which houses the generation element and which has a first surface and a second surface, the first surface comprising a first terminal electrically connected to the generation element and the second surface comprising a second terminal electrically connected to the generation element, and a lead unit, external to the can, which electrically connects the first terminal and the second terminal through a safety device and having a lead plate with one end disposed at the first surface and another end disposed at the safety device.

Conversely, Morishita merely discloses a square-type lithium ion cell including an outer can 1 having an opening which is sealed with a magnetic sealing lid 8 and a bottom unit 1a to which a lead plate for current-utilization is welded.

Pedicini merely discloses a housing that contains a means for providing a terminal for one of the electrodes 6. A disclosure of a cover assembly, which contains a means for providing a terminal opposite in polarity from the terminal provided by the housing, is alluded to in the section of the patent entitled, "Disclosure of the Invention," see *Pedicini*, at column 5, lines 60-65, although, this disclosure is not illustrated or explained further. Indeed, Pedicini does not disclose any arrangement of the housing and the cover assembly in which a location of the cover assembly and its terminal is defined with respect to the location of the housing and its terminal.

Lastly, Watanabe discloses a battery pack housing a protection circuit along with a rechargeable cell in a case. The protection circuit is molded in a single package with insulating material to make a one-package unit. A PTC device 13 is connected to the one package unit, and, as shown in FIGS. 1 and 2, the one-package unit, the cell, and the PTC device 13 are all held *in the case*.

Given the above summaries of the references, applicants note that Watanabe is the only reference to disclose a feature (i.e., the PTC device 13) that appears to correspond to the claimed lead unit. Applicants further note that the Watanabe PTC device 13 is held internally in the case. This is, of course, in stark contrast to the claim language in which claim 12 specifically recites that the lead unit is external to the can. Thus, the Watanabe PTC device 13 does not teach or suggest every claimed feature.

Thus, applicants respectfully assert that the suggested combination of the references does not support a *prima facie* obviousness rejection, and that the rejection of claim 12 is, therefore, believed to be overcome.

Regarding the rejections of claims 13, 14, and 17-28, it is noted that these claims depend from claim 12 and are, therefore, allowable for at least similar reasons as set forth above.

PATENTABILITY OF NEW CLAIMS:

Applicants note that independent claim 33 and dependent 34 have been added. Claims 33 recites a generation element which generates electrical power including a positive electrode and a negative electrode, a can which houses the generation element and which includes a first terminal electrically connected to one of the positive and negative electrodes and a second terminal electrically connected to the other of the positive and negative electrodes, a safety device to sense at least one of a temperature inside the can or a voltage inside the can, and a lead unit, external to the can, which electrically connects the first terminal, the safety device, and

the second terminal in series, wherein the safety device prevents a flow of current between the first and second terminals when the at least one of the temperature inside the can or the voltage inside the can increases beyond a predetermined temperature or voltage, respectively.

Calling attention to the fact that claim 33 recites that the lead unit is external to the can, applicants note that claim 33 and claim 34 are allowable for at least similar reasons as set forth above.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections; the application is submitted as being in condition for allowance which action is earnestly solicited.

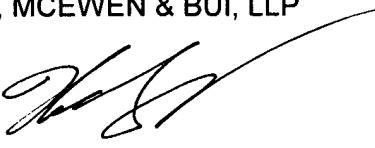
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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